

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12cv321**

JEFFERY HYDE THOMPSON,

Plaintiff,

v.

COOPERRRIS, INC., et al.,

Defendants.

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ORDER

Pending before the Court is Defendants' Motion Order to Serve Complaint [# 7]. Defendants move for an Order from this Court directing Plaintiff to comply with Rule 4 of the Federal Rules of Civil Procedure and properly serve a copy of the Complaint on Defendants. Upon a review of Defendants' motion and the record, the Court **DENIES** the motion [# 7]. To the extent that Defendants contend that service was not proper then the appropriate course of action is to move to dismiss the Complaint pursuant to Rule 12(b)(4), assuming that Defendants have not waived such a defense. The Court, however, is skeptical of counsel's contention that Defendants have not been able to prepare a response to the Complaint since a copy of the Complaint was not contained with the summons. A review of the docket reflects that a copy of the Complaint is contained on the docket [# 1] and defendants have filed an Answer.

Signed: January 4, 2013

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

